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ABSTRACT

Ten law librarians, at one private and three academic law libraries, were studied to ascertain what types of reference services they provide to their patrons. The current model employed in public libraries today was used as the baseline against which to measure these legal reference services. This model employs five traditional categories of: directional questions, bibliographic verification, ready reference questions, true reference questions, and research assistance. When asked the open-ended question of what types of reference service they provide, all of the librarians could fit their services into one or two of the traditional classifications. Although there are gray areas between such services as ready reference and true reference, and true reference and research assistance, the five categories explain the bulk of the questions law libraries receive. In certain instances, law libraries provide enhanced services that public and academic libraries do not. Although they provide traditional bibliographic verification to a certain extent, they also perform two hybrid forms of this service by verifying the information contained within legal citations and checking the authoritative status of cases and statutes. To the extent they all provide ready reference services, the results were highly institution specific. They more readily agreed on the types of true reference services provided to diverse patrons. Although the types of research assistance they provide differ in significant respects, for the most part, they are patron dependent. Two of the law libraries in this study also provide a novel service that is identified as "Reference Service On-the-Fly." The overwhelming majority of librarians initially categorized the subject matters on which they serve their patrons in terms of jurisdictional boundaries, rather than traditional subject categories. However, each library has also cultivated and developed specialties based on the needs of their patrons. Although all the libraries prefer to provide reference services in person, they also conduct telephone reference. While three of the libraries have begun to explore the possibilities presented by email reference and hope to engage in more cyber reference in the future, this remains a developing area. (Contains 11 references.) (AEF)

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REFERENCE SERVICE IN LAW LIBRARIES

A Master's Research Paper submitted to the
Kent State University School of Library
and Information Science
in partial fulfillment of the requirements
for the degree Master of Library Science

by

Kathleen M. Sasala

July, 2000

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TABLE OF CONTENTS

I. INTRODUCTION 1

Purpose of the Study 1
Definition of Terms 2
Limitations of the Study 3

II. LITERATURE REVIEW 4

III. METHODOLOGY 9

IV. ANALYSIS OF DATA 12

V. SUMMARY AND CONCLUSIONS 35

APPENDIX A: COVER LETTER

APPENDIX B: INTERVIEW SCHEDULE

REFERENCE LIST

CHAPTER I

INTRODUCTION

Historically, prototypical services provided at library reference desks have been ranked according to intensity of effort on a graduated scale ranging from minimal to complete assistance. However, newer reference theories categorize reference services based on the types, rather than the levels, of services which are rendered. Particular categories which are now in use include directional inquiries, bibliographic verification, ready reference questions, true reference questions, and research assistance. Although these designations easily describe current reference service in public library settings, there is little reported empirical research exploring whether this paradigm applies in special library settings such as law libraries. In part due to the proliferation of electronic resources, which are changing the face of reference service in all libraries, the time was ripe to examine the law library's role in furnishing reference assistance to patrons.

Purpose of the Study

Theoretically, law librarians are no different than their public and academic counterparts, whose main purpose is to satisfy customer information needs. Likewise, law library patrons are conceptually akin to other library patrons seeking assistance to satisfy their information needs (Anderson 1998, 7). However, legal literature and documents differ significantly from resources in other disciplines (Mosley, Jr. 1995, 207). As a result, this study explored the forms in which law librarians provide reference services to their patrons and analyzed whether model reference types in use today apply in a law library setting.

Consequently, this study tested the hypothesis that, aside from subject matter differences, law libraries generally observe the same reference service patterns which exist in public libraries. Stated in the negative, this study therefore tested the null hypothesis that there is no significant difference between the types of reference services which public and law libraries provide.

In addition, as part of examining this central issue, this study also investigated related factors which affect the provision of legal reference service in law libraries. Chief among these subordinate questions were the particular types of clients served, the experience and expertise of reference librarians, and the subject matter of reference questions. Administrative matters which were examined were the extent to which a reference interview is conducted, the location where reference service is provided, and the forms in which law libraries accept reference questions (i.e., in person, via telephone, or by email).

Definition of Terms

For the purpose of this study, the following terms were pre-defined:

A *law library* is a library which purchases and maintains a specialized collection of print and electronic legal materials and includes only academic and private institutions.

A *legal reference librarian* is a professional librarian who possesses a college degree, who may or may not possesses the degree of Master of Library Science, Master of Library and Information Science, or a comparable Masters degree, and who provides reference service in a law library. Legal reference librarians do not include paraprofessionals who substitute at the reference desk on occasion or who may assist law library patrons with their non-reference needs.

Reference questions which are *directional* in nature seek locational information.

Bibliographic verification provides facts about publications and resources rather than

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facts about people, places and organizations.

A *ready reference question* requires the answer to a factual question which can be answered quickly and easily by consulting only one or two reference sources.

True reference questions involve the provision of an answer to a more complicated question provided during a reference interview.

Research assistance requires even more time and effort from reference librarians than true reference questions.

Limitations of the Study

This study was limited to interviews of legal reference librarians in academic and private law libraries. In addition, although there are many law libraries located throughout the State of Ohio, this study was confined to only four specific law libraries located within the geographical limitation of the northeastern region of the State. While library A is a private, membership library, libraries B, C and D are law libraries located within law schools. Finally, interviews were conducted only with legal reference librarians, as defined above.

CHAPTER II

LITERATURE REVIEW

The Role of a Reference Librarian

Regardless of the forum in which they work, all "[r]eference librarians provide answers to questions" (Mosley, Jr. 1995, 203). They are, in the words of Madison Mosley, Jr., "the interpreter of the library" to patrons (Mosley, Jr. 1995, 203). Stated otherwise, reference librarians are the "link" between users seeking information and the print and electronic resources which contain the answers to their questions. Their chief mission is to insure that users "are successful in their search for information" (Bopp and Smith 1995, 1).

However, not all of the questions reference librarians receive demand or require the same attention. Although some reference librarians believe that they always owe patrons a quick answer, some questions which seem innocuous on the surface can actually be very complex and tax a librarian's knowledge of applicable and relevant resources. As Mary Whisner explained in her article on hubris in reference settings, this is particularly true in law libraries where seemingly "quick questions" can turn into "real stumpers" (Whisner 1999, 862). In addition, according to Richard A. Danner, the ever-increasing base of legal reference materials also contributes to a variety of reference questions in law libraries (Danner 1983, 217).

The challenges in law libraries are further complicated by various forms of communication conflicts which arise during interactions between legal reference librarians and patrons. On the one end of this spectrum are typical library mishaps where patrons do not understand their own information needs. However, the other end of the continuum in law libraries makes legal reference librarians circumspect in the provision of reference services which

could give rise to an attorney-client relationship and the unauthorized practice of law (Anderson 1998, 5-6). As a result, law librarians have been counselled to only ask traditional who, what, where, when and how questions, but never why patrons need information (Anderson 1998, 10).

Types of Reference Service

In view of these and other hurdles, defining the process of providing reference service has become a *cause celeb* among librarians. In its simplest form, the earliest theorists only classified library reference service based upon the level, as opposed to the type, of service provided. For instance, in his seminal textbook on reference work, James Wyer categorized reference service in a tripartite framework consisting of either "conservative," "liberal," or "moderate" service (Wyer 1930, 4-13). Over thirty years later, Samuel Rothstein converted these basic service levels into "minimum," "maximum," and "middling" (Rothstein 1961, 11, 14). Rothstein is also known for his classic definitions of reference work and reference service:

> I represent reference *work* to be the personal assistance given by the librarian to individual readers in pursuit of information; reference *service* I hold to imply further the definite recognition on the part of the library of its responsibility for such work and a specific organization for that purpose. In short, we are willing to give help, and what is more, consider such help an important enough part of our obligations to justify training and assigning staff especially for this work (Rothstein 1961, 12).

Although these definitions provide an important abstract of the theoretical underpinnings behind reference work, they do not classify the particular types of services which are actually provided.

In his 1983 article examining the history and status of reference service in general and legal reference service in particular, Richard A. Danner surveyed all of the opinions held by previous reference theorists, including Wyer and Rothstein, as well as a man named John Mark Tucker, who broke reference service into three different categories. Specifically, Tucker built his

model based upon "instructional," "informational," and "situational" services (Danner 1983, 218, citing Tucker 1980, 19-20). Danner also reported on alternative theories rejecting these service-level categories in favor of viewing reference service as a sophisticated form of interpersonal communication. (Danner 1983, 219). Stopping short, however, of proposing a concrete theory of reference himself, Danner likewise concluded that his predecessors, who all agreed that a theory of reference service was essential but difficult to define, could neither agree on a definition nor a description of the corresponding activities involved (Danner 1983, 127).

More recently, however, scholars have developed practical models of reference service which purport to apply across all library types. For example, in their authoritative treatise on reference and information service, Bopp and Smith define reference service in terms of the types of service provided. Although there are other miscellaneous types of typical reference service,[1] they break the main forms into directional questions, bibliographic verification, ready reference questions, true reference service and research assistance (Bopp and Smith 1995, 5-9). Directional questions are self-explanatory and involve requests for information on the location of such places as the information desk, the catalog and restrooms. Ready reference questions go beyond mere directional inquiries by requiring the answer to a factual question which can be answered quickly and easily by consulting only one or two reference sources. Although bibliographic verification is similar to ready reference service, it provides facts about publications, as opposed to facts about people, places and organizations. In contrast, true reference service provides the answer to a more complicated question provided during a

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[1]Other typical library services which will not be explored in this study include interlibrary loan services, document delivery and referrals (Bopp and Smith 1995, 7-8).

reference interview. Finally, research assistance requires even more time and effort from reference librarians (Bopp and Smith 1995, 5-9).

Although these categories have been well-recognized and received in the field of modern librarianship, Carter Alexander created a different scheme for special libraries in his classic article on techniques of library searching. Despite the diversity among special libraries, Alexander claimed that librarians in all special libraries only receive three types of questions, namely, those related to their specialty, those on related subjects and those addressing issues well beyond their "special competence" (Alexander 1936, 230). He further suggested that these inquiries can be broken down into the following seven categories:

1. fact type questions;
2. how to do type questions;
3. trends type questions;
4. supporting evidence type questions;
5. all about type questions;
6. evaluation of reference type questions; and
7. duplication of previous work questions (Alexander 1936, 231-234).

Although Carter was a pioneer in reference service, his article did not focus on either the differences in the types of materials which can be found in law libraries or the different types of patrons which law libraries serve. As Madison Mosley, Jr. explained, because a law library's collection is "[c]omprised of authorities such as cases, statutes, and regulations, it is less exact and more subject to interpretation than the literature of medicine, for example" (Mosley, Jr. 1995, 207). In addition, Paul Healey has pointed out that most law libraries are designed to provide a more limited range of materials to a constituency which is specially trained in using them. Furthermore, where a law library is affiliated with a particular institution such as a law school, law firm, court system or bar association, its focus is on serving the members of the larger

organization (Healey 1996, 131).

It is within these very general parameters that law librarians presumably provide service to their patrons. However, very little empirical research has been performed to examine the particular types of reference services which are provided in law libraries. More specifically, there have been no recent studies examining whether Bopp and Smith's criteria in particular apply in law library settings.

The last published study reported on a 1991 survey of 176 academic law libraries around the country. From the answers and comments she received, Lynn Foster categorized the types of patrons these libraries served and the types of materials they used. Specifically, she concluded that state supported law school libraries offered more access and services to judges, lawyers and the general public then did the private institutions. Foster also reported statistics on the survey participants' provision of circulation rights, interlibrary loan and copying services, and access to electronic databases to their various clients (Foster 1992).

More importantly for the purposes of this study, Foster identified general trends which her survey participants foresaw in the future of legal reference service. Among these trends were:

> Proliferation of means of access, therefore proliferation of protocols--more complex policies & procedures for reference service.
>
> Patron computer literacy, increasingly complex technology, strain on staff to provide help and to master these diverse tools themselves--patron & staff ability to understand the breadth of information available (Foster 1992, 757).

Since Foster published her study, no other researcher has examined the provision of reference services in law libraries. As a result, and because of both the age of Foster's data and the limitations of her study, there was a gap in research related to the provision of legal reference

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services which this study hoped to fill.

CHAPTER III

METHODOLOGY

This study employed an interview method in order to obtain in-depth information on the types of reference services which are provided in law libraries. Because of the breadth of information which was being sought, this method was chosen over a survey because of the significant limitations and inflexibility of questionnaires, which must be short, provide little opportunity for respondents to elaborate and comment, and often go unanswered and unreturned.

Before conducting any interviews, however, the library Directors and/or reference department heads from each library selected for the study were contacted for the purpose of obtaining permission for the interviews. In addition to personally agreeing to participate in interviews themselves, all of these individuals unanimously agreed to allow various members of their reference staff to participate as well. As a result, each additional participant was contacted by means of a telephone call to set up a convenient interview time on site at his or her library. Subsequently, at the time of the interviews, all of the interviewees received a letter explaining the scope and parameters of the study and signed duplicate originals of a consent form in which they agreed to participate. A generic copy of this combined consent letter is contained in Appendix A attached hereto.

This study was conducted at four different academic or private law libraries in the northeastern Ohio area. In the hope of achieving a complete picture of legal reference services provided at these libraries, two (2) or three (3) legal reference librarians were interviewed at each site, for a total of ten (10) interviews. Although most of the interviews were conducted one-to-one, some of the interviews were conducted with two (2) participants at the same time.

Because this study intended to concentrate on the opinions and attitudes of the participants, and geographic proximity was not at issue, all interviews were conducted in a face-to-face interview format, rather than by telephone. In addition to insuring a higher response rate, this personal communication decreased ambiguities between the participants during the question and answer process. As expected, each individual or group interview took approximately one hour to conduct.

In order to insure that the respondents were comfortable with the interview process, all of the interviews were conducted at their convenience, as well as at their places of employment during regular working hours. In addition, all participants were assured that they, and the institutions for which they worked, would remain anonymous for all purposes related to the study. As a result, only the information the participants provided has been reported in this paper, and all institutions have been referred to generically as Libraries A through D.

In order to insure consistency in questioning, all of the interviews followed the Interview Schedule contained in Appendix B attached hereto. The predominant form of questions used on this Schedule was the open-ended type of question so as not to suggest answers by the respondents. In addition, before conducting any of the interviews, the interviewer was intimately familiar with the order, format and content of the questions contained in the Schedule, as well as the types of information the questions were intended to elicit. However, the interviews were not conducted in the adversarial and rigid format employed in legal depositions, but were, instead, informally conducted in a congenial, yet professional, manner. In addition, every attempt was made to remain neutral and objective so as not to bias the interviews or offend the respondents.

Although minor exceptions to the standard interview pattern laid out in Appendix B

arose, there was a contingency plan. To the extent that a respondent did not understand the scope or import of a particular question, successful attempts were made to clarify the question so that the respondents could provide a reply. In addition, to the extent respondents needed to provide additional information to explain or clarify their responses to questions, the interviews digressed into these important areas.

Because tape recording often stifles spontaneity and candor, none of the interviews were taped. For similar reasons, none of the respondents received a copy of the Interview Schedule in advance of their interview. However, they did receive a copy of this Schedule at the time of their interviews so that they could follow along and retain the list of questions for their future review. Due to the fact that only notes were taken during the course of the interviews, these notes were immediately transcribed in order to insure clarity and accuracy in reporting. Once all of the interviews were conducted, all of the respondents received a brief thank you letter in appreciation of their participation, cooperation and assistance.

CHAPTER IV

ANALYSIS OF DATA

Legal Reference Librarians

Job titles: Interestingly, the respondents who participated in interviews in this study hold diverse titles and perform a wide variety of duties in addition to serving as legal reference librarians. At Library A, the Library Director provides legal reference service in addition to possessing significant administrative and financial responsibilities. Although her primary reference staff consists of a Reference and Research Services Librarian and a Circulation Services Librarian, the Library's Technical Services Librarian occasionally answers point-of-need reference questions.

At Library B, the Library director holds the title of Law Librarian and Professor of Law. In addition to his reference duties, he is responsible for planning, budgeting and managing personnel decisions for the Library, as well as teaching a regular class on legal research. He also shares legal reference duties with all of the remaining Librarians, including the Associate Law Librarian, the Assistant Librarian, the Public Services Librarian and the Library's sole cataloger.

The pot of reference librarians is even larger at Library C, where legal reference services are provided by the Head of Reference/Government Documents Manager, the Head of Educational Media Services and Reference Librarian, the Educational Research Services Manager/Reference Librarian, the Head of Public Services, the Associate Director for Public Services, the Head of Serials, the Head of Bibliographic Access, and the Computer Law Supervisor/Computer Training Librarian. Finally, Library D utilizes the Deputy Director, its Heads of Reference and Public Services, a Reference/Media Librarian-Government Documents

Manager, an Electric Librarian, and a Systems Librarian to perform reference work.

As this litany makes clear, many of the employees who perform legal reference services wear one (1) or more other library hats at the same time. While two (2) possess administrative responsibilities as library directors, two (2) others cross-train in reference and government documents, and several others provide educational services, electronic services or media services in addition to their reference responsibilities. Because these services are all typically provided under a public services umbrella, the kinships are understandable. Interestingly, however, only Libraries A and C cross the traditional line between public and technical services and require technical services librarians to put in time at the reference desk.

Reference Desk Time: In terms of numbers, these libraries ideally maintain four (4), five (5), seven (7) to eight (8), and six (6) employees, respectively, who perform legal reference duties as all or part of their library functions. For the most part, they share their day, evening and weekend reference duties in varying amounts related in part to additional duties they perform. However, none of the three (3) academic libraries are at full compliment. As a result, their reference librarians are spending more time at the reference desk in an average week than they ordinarily would.

Qualifications: Like the variety in their titles and responsibilities, these administrators, managers, and librarians do not all possess the same qualifications and degrees. Library A is the most flexible and does not require its reference librarians to possess either a law degree or Masters in Library Science, although most of them either have or are working on their MLS. Instead, the Director at Library A firmly believes that experience tells, and although she would like someone with legal training in the form of a JD or paralegal degree, anyone who has

experience with a library and its collection can assist patrons with their reference needs.

In contrast, all of the remaining three (3) academic libraries require their reference librarians to hold a Masters in Library Science. However, not all of these three (3) libraries also require their reference employees to possess a JD degree. Although a number of legal reference personnel in each library possess both degrees, only Library B requires its Associate Librarian and chief Law Librarian to hold JD degrees. However, these policies may soon change, as evidenced by a new hiring policy Library D has initiated to require all new job candidates to possess both a master's and JD degree. This is not surprising in the context of libraries devoted to law school students and faculty, but the reality may be that there are few individuals in the labor market who hold dual degrees in both law and library science.

The results were also split among the libraries as to whether or not they believe they employ any subject specialists. While both directors who were interviewed considered all of their reference staff subject specialists in the law, the reference librarians themselves disagreed. While one librarian at Library B who possesses a JD degree indicated that she considers herself a subject specialist in juvenile law, the remaining librarians uniformly rejected any official characterization. Rather, they indicated that they have to know how to research all areas of the law. Nevertheless, quite a few of them have gained some experience in particular areas of the law which have made them the point persons at their libraries on those topics. Thus, if not in name, they have become *de facto* subject specialists.

For instance, Library B used to employ two (2) employees who focused on government documents. In addition, two (2) employees at Library C have developed interests and expertise in international and cyber law, and they would like to develop additional specialties to parallel

the academic needs of their law school's core curriculum. Finally, the librarians at Library D unofficially specialize in a wide variety of topics which include international law, local practice issues, legislative history, medical matters, government documents, and electronic reference and web development. One librarian at Library D may have explained the barriers to greater subject specialization in law libraries when she commented that her library does not have the "luxury to develop them more." She also emphasized the fact that her library serves such a diverse population that they have had to remain flexible and assume that everyone knows a certain amount of every area of the law.

Library Access

The scope of these individuals' titles, responsibilities and qualifications is as broad as the client base they serve. Although all four (4) libraries indicated that they serve primary groups of patrons toward whom they focus their services, they are all open to the general public, who receive more limited privileges. The three (3) academic libraries in this study consider their institutions' students and faculty members as their first priority, and two (2) have even instituted faculty liaison programs to assist faculty members with their research needs and teaching responsibilities. Although the third library does not provide much in the way of direct assistance to professors, it does help their research assistants and provides a pro-active current awareness service to keep faculty aware of new developments within their specialties. In addition to these services, these three (3) libraries also answer questions from law school alumni, university students and faculty members outside the law school proper, local attorneys and paralegals, pro se litigants, or local judges or their staff members.

Because the fourth library, Library A, is membership based, it likewise considers its

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members as its primary patrons. These patrons could theoretically encompass anyone, but in practice, the chief clients are local attorneys, paralegals, law firm librarians, and court personnel. On a much more limited basis, this library also serves the general public with their sporadic reference needs.

As expected, all of the libraries also serve their patrons from central reference desks located near their main entrances. However, there are distinct variations in the types of transactions which occur at these stations. For instance, while the main desk in Library A serves the tripartite functions of circulation, reference and ready reference, the reference desk at Library D is devoted to only ready reference and true reference services, and the desk at Library B is solely devoted to true reference services. In an interesting design strategy, the reference desk at Library C is located at the opposite end of an island containing the circulation desk. This seems to facilitate an interactive and integrated approach to the provision of library services.

The Reference Interview

Despite the emphasis on formal reference interviews in library literature, the librarians at the law libraries in this study indicated that they only conduct informal reference interviews which reflect the realities, scale and pace of their reference transactions. Although some librarians commented that they learned the basics of conducting a reference interview in library school, they now employ a more practical and conversational approach to determining what patrons really need through a back and forth dialogue. From common sense and experience, they seem to have learned what to do and know how to do it. For instance, two (2) librarians at Library A commented that they start with both open and close-ended questions and obtain clues about where to go from there. At Library B, one (1) librarian commented that the patrons love to

tell her stories, during which she engages in a back and forth dialogue to ascertain the bottom line of what they really need. Her colleague at Library B indicated that reference interviews have become second nature to him, but his basic outline is to discover what the users need and make sure that he receives feedback from them during the process of providing reference services. He also commented that it is good to know the type of patron who is requesting information (i.e., a faculty member or a student).

At Library C, one (1) of the librarians Emphasized that she takes both verbal and non-verbal cues from her library's patrons in order to try and determine their perspectives. From this, she can determine the limits of how far to go with questions and what her patrons really want. This process involves a give and take between librarian and patron to verify what the needs are and to confirm that services are not being provided beyond what the patrons require. Her colleague at Library C employs a different strategy by listening to a question and then asking what the patron has already done. From those two (2) preliminary steps, she can judge what she needs to do and how she can help. Yet two (2) other librarians at Library D explained that the forms of reference interviews they conduct vary from patron to patron and depend on who is asking, what they are asking for, their access privileges at the library, the time frame of their need, and their personal legal experience.

Like public libraries where the patrons can stack up at the reference desk, there are also busy times at law library reference desks which, of necessity, shorten reference interviews. Perhaps as a result, Library A has taken the initiatives of developing a generic reference form to obtain standard information in every reference transaction. Although Library C has also created some initial policies with regard to answering reference questions, none of the libraries have

developed a written template like Library A.

In addition to these variations, there is one (1) overriding difference which profoundly distinguishes legal reference interviews from all others. Several of the librarians who were interviewed articulated what must have been implicit in all of their responses. Unlike most reference interviews where the question does not arise, librarians at law libraries are highly cognizant of the line they must walk between providing legal information and giving legal advice. As a result, they routinely include disclaimers that they cannot provide legal advice. Significantly, there was only one librarian who indicated that he dispenses with this protection in limited situations where he knows patrons personally or deals with people he believes he can trust.

Types of Reference Questions-In General

Unlike the situation in public libraries where reference services run the gambit from simple directional inquiries to bibliographic verification, ready reference questions, true reference questions and research assistance, this model did not naturally apply to the law libraries in this study. When asked an initial open-ended question of "what types of reference questions do you receive," none of the librarians categorized their responses in the full context of this traditional taxonomy. Although they identified a few of these categories, they more readily classified the types of questions they received by different methodologies and either the types of patrons who asked or the subject matters or sizes of their inquiries. It was only when presented later with the traditional categories of reference service that they were able to suggest how their references services fit, or did not fit, into the traditional paradigm.

For instance, the librarians at Library A explained that although they receive directional

and reference questions in general, one (1) of the primary services they provide to their patrons is retrieving and forwarding particular cases, statutes, law review articles, books, material covered in treatises, and both free and fee-based information from the Internet. In addition, they also receive general information requests, questions related to the library's holdings, requests for assistance using electronic resources or performing issue research.

In contrast, the librarians at Library B categorized the questions they receive in terms of user status. While new students and the general public both tend to ask very basic informational questions, members of the public additionally request copies of trial court opinions they hear about in local news stories and request assistance locating attorneys. Students also seek help locating reserve materials and performing legal research for their projects and writing requirement. *Pro se* litigants seek help researching the law and drafting court documents, and professors and their research assistants solicit help with their research projects.

The types of reference questions Library C receive include cite verification requests from law reviews and journals, varied requests from students, requests for Court forms, requests to borrow particular books, requests for assistance using legal indexes and databases, and requests for assistance in using the campus-wide electronic mail system. Although this library also receives a significant amount of inquiries from the public, a lot of them are the direct result of misdirection by other entities. As a result, the librarians at this library spend some time educating and teaching their patrons a little bit about the legal system in a general way.

Finally, the librarians at Library D categorized the types of questions their library receives by both size and type of patron. Questions there can range from those which are simple to answer to those which involve a significant amount of time, and most seek qualitative, as

opposed to quantitative information. Students also seem to barrage the reference desk with course assignments, and professors solicit assistance with their research projects, course assignments and papers.

Types of Reference Questions-In Specific

The diversity of the foregoing responses demonstrates that legal reference librarians utilize different means of categorizing the services they provide. However, when they were asked specific and pointed questions about whether they receive directional inquiries, requests for bibliographic verification, ready reference questions, true reference questions, and research assistance, they unanimously responded that they did. Although they were also better able to articulate what types of services they provided in the context of these pre-assigned categories, there was again a significant amount of diversity in their responses, as well as some areas which were gray or overlapped. In addition, they put a spin on some of the types of reference services which make legal reference strikingly different than traditional reference service in public and academic libraries.

Directional Inquiries: Of all the specific types of library services listed above, the librarians who were interviewed provided relatively consistent responses regarding the types of directional inquiries they receive. Specifically, they indicated that patrons variously ask where things are such as restrooms, particular call numbers are located, computers and AV materials, copy machines, drinking fountains, journals, or offices. All but one (1) of the librarians also agreed that locating particular sets of books for patrons fell within the category of directional inquiries. While the librarians at Libraries B and C even identified particular sets which were the most popular in their libraries, one (1) librarian at Library D believed that these requests are more

involved and rise to the level of formal reference questions.

Although the librarians at Library A indicated that these types of elementary questions account for a full one fourth to one third of the reference questions they receive, Library B does not keep any statistics which would show what percentage of directional questions they receive in proportion to other types of reference questions. While Library C used to keep records on the number of directional inquiries they received, they no longer do so and are hoping to institute new procedures to accurately collect this information on a daily basis. Finally, Library D maintains statistics on the numbers of vocational and reference questions, but the librarians who were interviewed did not recall what the most recent results showed.

Bibliographic Verification: Although most of the librarians who were interviewed indicated that they perform traditional bibliographic verification of cataloging information on a limited basis, they also articulated (2) additional forms of bibliographic verification which are unique to law libraries.

Like public and academic libraries, which receive requests for verification of publishers, titles, authors and dates of books and articles, so do most of the law libraries in this study. Naturally, however, the books and articles their library patrons verify are of a specifically legal nature. In addition, the types of verification questions librarians at Libraries B, C and D receive seem to vary by the types of patrons involved. For instance, Library B receives most of its verification questions from the general public, while the academic librarians at Libraries C and D receive most of these types of questions from law review members who require extremely detailed information. In addition, a librarian at Library C indicated that his Library often performs internal verification of these same access points before filling ILL requests, while a

librarian at Library D indicated that he does it as part of updating cataloging information for the Library's government documents collection. Presumably, librarians in public and academic libraries do the same before performing like functions.

However, that is where the similarities between law libraries and their public and academic counterparts end. Traditional bibliographic verification takes on a whole new meaning in law libraries in two (2) important respects. In the first place, the legal reference librarians in this study also receive requests for verification of dates, jurisdictions, and titles of case law, as well as dates, titles and sections of statutes. This is not the case in public and academic libraries which do not ordinarily purchase and maintain subscriptions to series of case law and statutes.

An additional form which bibliographic verification assumes in the law libraries in this study is the formal process of checking the current status of a case or statute. Through the use of fee-based services such as Sheppards provided by Lexis-Nexis and KeyCite provided by Westlaw, the librarians verify whether cases are still good law and whether statutes are still in effect. Because these print and electronic databases also analyze cases and statutes for various other criteria, this process is much more complex than the simple mechanics citation indexes perform in listing authorities within and which have cited particular articles. Although some public and academic libraries may make this service available to their patrons, it is an anomaly which is the general rule in law libraries.

Unfortunately, none of the libraries participating in this study maintain any statistics which delineate what percentage of bibliographic verification questions they answer. While Libraries A and D do keep a tally, they count bibliographic verifications as general reference questions which also include ready reference, true reference questions and research assistance.

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Although the same was true of statistics Library C used to keep, its head reference librarian does not believe that Library C receives many questions in this category.

Ready Reference Questions: All of the librarians who were interviewed unanimously agreed that they answer ready reference questions as defined in this study. However, while some trends in their services emerged, the differences were more numerous. Although all of the libraries receive requests for addresses for either courts, clerks' offices, publishers, attorneys, lawfirms, or faculty members, the remainder of the ready reference questions they answer span a broad spectrum. For example, at Library A, the librarians receive requests for car values, tax rates, maps, population figures, biographies of judges or attorneys, particular statutes or books, statutes of limitation, citation procedures, telephone numbers and the names of databases where they can search for certain court decisions. Perhaps due to the variety of these questions, the Library Director at Library A believes that ready reference and true reference questions are basically the same in requiring knowledge of how to use the Library's catalog and resources.

By comparison, Library B receives more limited requests for information on law schools and milestone cases, as well as requests for copies of the Constitution, particular legal treatises or code books, civil rules, and definitions of acronyms patrons do not understand. While Library C also receives requests for acronym definitions, it receives a large number of citation format questions, as well as some requests for dictionary definitions of legal terms, particular articles in legal journals, and lists of journals which accept articles for publication. Finally, Library D receives some requests for statutes of limitations and legal definitions, in addition to requests for cite verification and legal directory information.

Again, however, none of the libraries in this study keep statistics which show how many

ready reference questions they answer. Although Library A comes closest in indicating that 92% of its reference and research questions fall into either bibliographic verification, ready reference or true reference categories, the numbers have not been broken down further.

Although the presence of a ready reference desk or shelf does not seem to affect the provision of reference services, whether ready reference or otherwise, only Library A actually maintains an official ready reference desk. At this quick reference desk, which is no more than fifteen (15) feet from the regular circulation/reference desk, Library A houses regular and legal dictionaries, almanacs, an American Bar Association directory, the *Ohio Legal Directory*, a directory published by the Bureau of National Affairs, Ohio Jury Instructions, and the ordinances of the City of Cleveland. Although Library C does not maintain an official ready reference desk, it does keep a few special volumes, such as *Black's Law Dictionary*, behind the desk because of their propensity to be stolen. Finally, Library D inter-files its ready reference sources with its true reference sources.

True Reference Questions: Perhaps the most consistent results of this study revolve around the types of true reference questions the participating Libraries receive. Libraries A, B and C all agreed that their true reference questions take the form of case law research in a wide variety of areas of the law. Libraries A and C added that they also receive questions seeking treatise treatment on certain legal topics, as well as questions related to statutory research and legislative history. In addition, Library A receives supplemental inquiries seeking legal treatment of a liability issue among the fifty (50) states. Libraries C and D overlapped in also providing form books to patrons. However, Library C is as alone in assisting patrons research tax questions as Library D is in helping students find topics for their law review notes and faculty find sources

for lectures, speeches or articles.

Although no statistics are collected by Libraries B or C, and figures were not available from the statistics which Library D collects, Library A was able to shed some light on the number of questions it receives in this category. Having recently undertaken a serious study of the types of reference questions it received, Library A found that reference questions in general account for between two thirds to three quarters of the total reference and directional inquiries they receive. Of this figure, ninety-two percent (92%) are reference questions. However, this figure represents a combined total for questions seeking bibliographic verification and answers to both ready reference and true reference questions.

In explaining why they categorize certain questions in this category, some of the librarians provided very interesting responses. One of the librarians at Library A commented that true reference questions require searching the Library's catalog with more expertise than for a ready reference question. A librarian at Library B made a similar observation in stating that answering a true reference question may require using a combination of legal resources in order to find the best answer for the patron. Another librarian at Library A explained that for her, the difference between a ready reference question and a true reference question is often determined by the time it takes to find the answer to the patron's inquiry. Finally, one librarian at Library C defined a true reference question as an inquiry with three (3) to four (4) elements which starts out very broad and vague but can be narrowed as to scope and jurisdiction through the reference interview.

Research Assistance: Just as they categorized several of the other types of reference services they provide, the librarians in this study also classified their research assistance in terms

of the types of patrons they serve. There were also two (2) significant areas of overlap between true reference questions and research assistance, which make the line between the two (2) types of services somewhat gray.

One (1) of these cross-overs was demonstrated at Library A where they classify case law research in both the true reference and research assistance categories. When they call it research, they do it for litigators both in-house and through telephone inquiries. In both instances, however, they complete a research form with a description of the request in the terms asked, what they are looking for, the format which is expected, the jurisdictions to cover, and how to present results. Although Library A's research assistance is a relatively new service which they have not yet decided to market to the general public, they have begun to charge for this service when patrons do not physically come in for help. In addition, for external requests, they send each patron a brief outline summarizing the question which was asked, the strategy they took to answer it, and the results requested, including case summaries. Steering clear of interpreting what they find, these librarians nevertheless provide case headnotes or squibs from decisions and offer patrons the option of receiving the full text of any cases they would like to review further.

Just as Library A provides research assistance for a particular sub-set of its patron base, so do the remaining libraries in this study. At Libraries B and D, they primarily provide reference assistance to the Dean's office and faculty members. Dean's office issues are often sensitive in nature but not very complex, and faculty questions concern either congressional issues or legislative history. These issues represent the second overlap with true reference questions. For all other patron inquiries at Library B, the librarians do not perform research assistance and instead just show patrons how to find what they are looking for. Virtually the

same result obtains at Library D where they admit that they cannot help other patrons with research questions because they simply do not have the time. Finally, neither Libraries B or D provide any type of memo summarizing the results of the research they perform.

Like Libraries B and D, Library C also assists law school faculty with their research projects through a formal liaison program in which each librarian is accountable to and a contact person for a certain number of professors. In these capacities, the librarians at Library C perform a variety of functions which include providing faculty with lists of resources with annotations, making faculty aware of new web sites, serving as a current awareness service for faculty research and teaching interests, and performing in depth research for faculty members. When the librarians conduct in depth research, they often provide faculty members with a brief and informal memorandum of what they located and where they obtained their information. This process is strikingly similar to the new service which Library A has begun to provide for its litigator patrons.

What makes Library C's research assistance really novel is the services which it provides to law school students. Unlike any of the other libraries in this study, Library C has instituted a formal process of providing research assistance to law school students wherein students receive one-on-one research consultations with members of the Library's reference staff. On a much less intensive basis, Library C also provides a certain level of research assistance to students in other programs at its academic institution. However, like Libraries B and D, Library C does not provide research assistance of any kind to the public at large.

The only statistics which were available with regard to the provision of research assistance in these libraries came from Library A. As mentioned earlier, Library A undertook an

intensive study of the types of reference questions which are asked at its reference desk. Although no particular patterns emerged, they were able to ascertain that from three quarters to two thirds of the questions they answer are reference related, as opposed to directional, and of that figure, eight percent (8%) constitute research assistance. Although this figure is small, that may be due to the fact that Library A has only recently begun to offer this service to its members. Although Library D keeps statistics on the number of questions it answers, these figures are not broken down by type of reference work, and the actual numbers were not available. Although Library C is planning on re-instituting its former process of keeping track of the numbers and types of reference services it provides, neither it, nor Library B, maintain any current information.

Reference Service On-the-Fly: In addition to the foregoing traditional types of reference services, three (3) librarians at two (2) different libraries in this study explained a hybrid type of reference service they sometimes perform. The first person to mention a new form of reference was the Director at Library A who indicated that she and her staff perform reference services anywhere at a "point-of-need." This often happens when a patron corners a librarian walking by tables or stacks where they are working. Another librarian at Library A graphically demonstrated this type of service by relating that some patrons who know her catch her in the hall or elevator with reference questions that cannot seem to wait until they make it to the Library. Finally, a Librarian at Library D explained that he performs what he calls "porch reference," often outside, while he is on a break. The chief type of inquiries which patrons ask him about are treatises for particular subject areas in the law and videos on particular topics. For purposes of this study, all of these forms of reference service will be called "Reference Service On-the-Fly."

Subject Matter of Reference Questions

When they were asked if they predominantly answer reference questions in any particular subject matter areas of the law, three (3) of the libraries in this study initially focused on jurisdictional boundaries, as opposed to actual subject matter areas. In particular, Library A finds that it predominantly answers questions related to Ohio and federal cases and statutes. While Library C also receives an overwhelming number of Ohio reference questions, they have also developed a specialty in international law, which foreign alumni, students pursuing a masters of law, and foreign students have taken advantage of. Finally, Library D also receives a variety of Ohio practice questions, Ohio and federal legislative issues, and international law questions.

However, when pressed for more specific information beyond these venues, all of the librarians were able to identify a select few areas around which their jurisdictional questions revolve. For instance, Library A receives more questions on labor, probate and tax issues than any other areas of the law. Perhaps due in part to faculty interests and class subjects, Library C receives the most questions in the areas of tax, intellectual property, health law, business law, and trial tactics. Library D perhaps receives the most interesting mix of questions in the areas of school law, urban affairs, public administration, domestic relations, civil procedure, probate, other states' laws, and the subjects covered on the bar examination.

In contrast to these libraries' responses, the librarians at Library B found it difficult to categorize the reference questions they receive into particular categories. As one librarian explained, the subject matters on which their Library provides reference services are highly variable and totally dependent on their patrons' needs. However, they have begun to see a number of technical questions and inquiries about what resources are available on-line or from

fee-based services. Although another librarian at this Library also initially responded that they do not answer questions on any particular subject matters, she nevertheless commented that she receives a number of inquiries related to civil procedure, local court rules, domestic relations issues, and form books, especially for pro se litigants.

Telephone and Email Reference

The next areas of inquiry in this study were whether, and to what extent, the libraries provide either or both telephone and email reference services. Although they all receive and answer telephone inquiries, only three (3) provide email reference services. In all three (3) cases, their telephone services are much more developed than their web-based services, which are still in their infancy.

Telephone Reference: Although they could not attach a percentage to the volume of reference services they provide, the librarians at Library A indicated that they provide more telephone reference services than they do in person. At Library B, their telephone reference questions account for at least one fourth of the reference services they provide. The percentage at Library C is even greater than Library B and the reverse of Library A because they estimate that they probably answer more in-person questions than telephone inquiries. Finally, Library D is more like Library C in providing more in-person reference services than they do by telephone.

Email Reference: Although all of the libraries in this study provide limited email reference, they serve different clients and utilize different procedures. In addition, some of them have different plans for future web-based email reference services. Because Library A only recently began providing reference services on the Web, it currently answers only one (1) to two (2) email reference questions per day. These questions come from both members and non-

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members and usually only involve document retrieval. Although the Library has begun to charge both types of users for this service, the manner in which it responds differs in one (1) significant respect: whereas the librarians provide only a brief email response to members of the public, they provide a more in-depth mini-memorandum to members outlining what and where they searched, what the results are, and what their membership account has been billed. Looking toward the future, the Library is currently working on a template for all responses to email inquiries.

In contrast to Library A, but for a few student requests, Library B does not provide any email reference services. Although they have considered doing more for students and faculty members via the Web, they have not advertised their email reference service.

Like Library B, Library C has not advertised its email reference services either. This may explain why the librarians there only occasionally answer email reference questions when they have the time. Although they hope to develop cyber reference services in the future, the librarians are not currently required to answer email reference questions. Until those procedures are implemented, one (1) librarian at Library C explained the drawbacks to providing email reference. Not only does email eliminate the give and take of reference interviews where reference questions can be refined, but it also provides a written record of the Library's activities without the benefit of formalized protections such as disclaimers.

For different reasons, a librarian at Library D expressed her library's reticence with email reference services at present. Although they answer limited email requests from faculty members under very loose guidelines, email requests often take more time to answer than telephone inquires or in-person requests. Thus, they are concerned that if they advertise their services, they may not have sufficient staff to perform the necessary research and provide the answers. In

addition, because Library D does not want to create unreasonable expectations for its staff, it has, as a result, declined to answer email reference questions from the general public. Instead, they concentrate on their students and faculty members, who are their first priorities, and pro-actively spend more time providing bibliographic instruction.

Differences Between In-Person, Telephone and Email Reference

As expected, when they were asked whether there were any differences in the types of reference services they provide in person, via telephone calls or from email requests, an overwhelming majority of the librarians who were interviewed explained that they provide heightened services for in-person requests. Not only did the librarians at Libraries A, C and D all agree that they provide enhanced services to patrons who physically come to their Libraries for assistance, but they also articulated similar reasons for viewing in-person services differently. However, the exception to the rule was Library B, which currently treats all of its walk-in, telephone and email requests the same.

In contrast, the librarians at Libraries A, C and D all find that they give patrons who come in more attention and refer them to more resources than patrons who call or email their Libraries and cannot browse the shelves with the librarians. They also agree that reference questions are also easier to decipher with in-person requests than by other means because of the give and take and interaction which can occur during one-on-one personal reference interviews. As a reference librarian at Library D explained, email reference questions often provide so little that it is difficult to get started without contacting the patron for additional information. Furthermore, as one (1) librarian from Library C and one (1) librarian from Library D also commented that they give preference to in-person requests when someone with a reference question is waiting on the

telephone.

In commenting on the difference in speed between the three (3) types of reference service, a librarian at Library A further stated that in-person reference transactions are often faster because no one has to play telephone tag, she can turn over a question to a patron at any time during the process, and follow-up is immediate. Stated otherwise, a librarian at Library C explained that it is easier to know when to terminate the reference transaction with in-person reference services. However, her colleague felt that she spends less time on telephone inquiries because she knows from experience that a lot of telephone patrons never call back and she wastes time spinning her wheels for patrons who have called every other library around with the same question. In addition, to the extent she can identify them on the telephone, she is wary of information brokers who will make a substantial profit from her efforts.

CHAPTER V

SUMMARY AND CONCLUSIONS

This study was conducted in the hope of ascertaining patterns in the provision of legal reference services in private and academic law libraries in the northeastern Ohio area. Although the current model employed in public libraries today was used as the baseline against which to measure legal reference services, it was within the scope of possibility that this model would prove to be inapplicable because law libraries utilize different criteria and methodologies when categorizing the services which they provide to their patrons. The results show that law libraries do a little of both. The results also showed that there was no significant difference between the types of institutions which provided services, i.e., legal reference services did not depend on whether the institution was a private membership or academic library.

When asked the open-ended question of what types of reference service they provide, only one (1) of the librarians in this study separated the services which her Library provides into the categories of directional and reference questions. The remainder of the librarians utilized differing methods of explaining how their libraries serve their patron, chief of which were the types of patrons who inquire and the subject matters or sizes of their questions. However, when specifically presented with the five (5) traditional categories of directional questions, bibliographic verification, ready reference questions, true reference questions, and research assistance, the law libraries in this study could fit their services into one (1) or two (2) classifications.

Although there are gray lines between such services as ready reference and true reference and true reference and research assistance, these categories explain the bulk of the questions law

libraries receive. However, in certain instances, law libraries provide enhanced services which public and academic libraries do not.

Virtually without exception, all of the libraries provide directional reference services to a variety of library facilities and for a diverse number of library functions. Although they also provide traditional bibliographic verification to a certain extent, they also perform two (2) hybrid forms of this service by verifying the information contained within legal citations and checking the authoritative status of cases and statutes. To the extent they all provide ready reference services, the results were highly institution specific. However, they more readily agreed on the types of true reference services which they provide to their diverse patrons. Finally, although the types of research assistance they provide differ in significant respects, for the most part, they are patron dependent. Although there is no such category in the public library model, two (2) of the law libraries in this study also provide a novel service which has been identified as "Reference Service On-the-Fly."

This study also examined whether any particular subject matters predominate in the types of reference questions the Libraries receive. Unexpectedly, the overwhelming majority of librarians initially categorized the subject matters on which they serve their patrons in terms of jurisdictional boundaries, rather than traditional subject categories. However, each library has also cultivated and developed specialties based on the needs of their patrons.

Furthermore, although all of the libraries in this study prefer to provide reference services in person, they nevertheless also conduct reference over the telephone. However, for good and legitimate reasons, email reference is treated differently. While three (3) of the libraries have begun to explore the possibilities presented by email reference and hope to engage in more cyber

reference in the future, this is still a developing area for law libraries in northeast Ohio.

These findings and conclusions suggest several topics which could provide a sound basis for future research. In addition to expanding this study to a larger geographic area, it could also be expanded to include different types of law libraries, such as those maintained by law firms, courts and political subdivisions. Although an interview method was chosen for this study, it would also be possible to conduct this research through a survey method, either alone or in combination with additional interviews. The responses to the questions in this study could provide a basis for creating a model questionnaire for use in such a survey. Finally, it would be interesting to ascertain what types of legal questions public and academic libraries receive and whether they still categorize their services within the traditional paradigm employed in this study.

APPENDIX A

SAMPLE COVER LETTER

Re: Reference Service in Law Libraries

_____, 2000

Dear Librarian:

I am both a licensed, practicing attorney and a current graduate student in the School of Library and Information Science at Kent State University. As part of the requirements for my master's degree, I am conducting a study about reference services which are provided in law libraries. To facilitate my research, I would like to set up a time to interview you at your place of business and at your convenience to determine the types of reference services which you provide to your patrons. I also plan to interview one or more of your colleagues at your institution and similar institutions in northeastern Ohio. All of the information I receive will be useful to both theorists and practitioners in the field of library and information science.

Please be assured that both your confidentiality and anonymity are guaranteed. Only I will have access to my interview notes and any transcriptions I make of them. There is also no penalty of any kind if you should choose not to participate in this study or if you would withdraw from participation at any time. Furthermore, while your cooperation is essential to the success of this study, it is, of course, voluntary. Finally, a copy of the results of my study will be made available upon request.

I hope that I have answered all of your questions about this study. However, if you have additional questions, please contact either me at (440) 888-9759 or my research advisor, Dr. Donald Wicks, at (330) 672-2782. If you have more general questions regarding research at Kent State University, you may contact Walter Adams at (216) 672-2851.

Thank you very much for your cooperation. It is greatly appreciated. In the hope that we can get together for the interview soon, I will be contacting you in the near future.

Sincerely,

Kathleen M. Sasala
Graduate Student

Consent Statement:

I agree to take part in this project. I know what I will have to do and that I can stop at any time.

_____ _____
Signature Date

APPENDIX B

INTERVIEW SCHEDULE

What is your title at the Library?

What are your duties at the Library?

Who has access to the Library (attorneys, paralegals, judges, laypersons)?

Does the Library provide reference services?

Who at the Library provides reference services?

What are the qualifications and/or experience required for persons who provide reference services?

How many legal reference librarians are employed at the Library?

How many paraprofessionals are employed at the Library, and what are their duties, generally?

Do you employ any subject specialists?

If so, why and in what areas?

Approximately what percentage of the staff is composed of legal reference librarians?

What are the days and times that the Library is open?

On average, how many hours a week do each of the legal reference librarians perform legal reference work?

If so, where does the Library provide reference services (at an information or reference desk or other location)?

Do you conduct a reference interview when providing reference service?

If so, are there any written or oral policies in place with regard to reference interviews?

What types of reference questions do you receive?

Do you answer directional inquiries?

If so, what are the types of questions that you answer?

Do you provide bibliographic verification services?

If so, what are the types of questions that you answer?

Do you answer ready reference questions?

If so, what are the types of questions that you answer?

Do you answer true reference questions?

If so, what are the types of questions that you answer?

Do you provide research assistance?

If so, what are the types of questions that you answer?

Do you maintain any records or statistics on the numbers of the types of reference questions that you answer?

If so, what do those records or statistics show?

Are there any particular subject matters of the law on which you predominantly answer reference questions?

If so, what are those subject areas?

Do you provide reference services over the telephone?

If so, do you have any records or statistics of the types of reference transactions you conduct in this manner?

If so, what do those records or statistics show?

Do you provide reference services via email?

If so, do you have any records or statistics of the types of reference transactions you conduct in this manner?

If so, what do those records or statistics show?

Are there any differences in the types of reference services you provide in person, over the telephone or via the World Wide Web?

If so, please explain any differences.

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